

REMARKS

Applicants wish to thank the Examiner for her participation in the case interview, during which, the Examiner requested that Applicants amend the claims to clarify the invention.

Claims 1, 2, 3, 4, 9, 10, 14, and 15 have been amended. Claim 13 has been cancelled. Claims 1-12, and 14-15 are pending.

On page 2 of the Office Action, the abstract of the disclosure was objected to due to the abstract exceeding 150 words. Applicants have amended the Abstract to shorten the length. Withdrawal of the objection is respectfully requested.

The Examiner rejected claims 9 and 13 under 35 U.S.C. § 101 due to the claim allegedly being directed to non-statutory subject matter. Applicants have amended claim 9 to include a computer-readable medium. Claim 13 has been cancelled. Therefore, withdrawal of the rejection is respectfully requested.

On page 3 of the Office Action, claims 1-8 and 13-15 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants have amended claims 1 and 15, for example, to improve clarity, as suggested by the Examiner.

For example, in the advertising receiving operation, the system receives a selection including at least one of the resource identification information and the advertising information. As indicated by currently amended claim 1, the information is received from the first computer and/or the second computer. As another example, claim 15 has been amended to more clearly recite the extracting of distribution information and also to provide proper antecedent basis to claim terms.

On page 5 of the Office Action, the Examiner indicated, ". . . for art application purposes, claims 1, 9, 10, 12 had been and are interpreted as involving the following steps and means to carry out them including:" (see Office Action, page 5 [sic]). The Examiner further states, "all above are admitted art."

Applicants respectfully submit that the operations included in the Examiner's list are an oversimplification of the claims of the present invention and are based on an inappropriate misreading of the claims.

For example, in claim 1, status of a first user is displayed on the second computer, and the status is represented by advertising image data included in the first advertising information broadcast in the broadcast operation. The claim does not indicate that there is interconnection of the users.

Applicants have amended the claims to improve clarity and respectfully request that the Examiner read the claims and examine them accordingly.

Applicants respectfully submit that none of the features listed in the Examiner's list on page 5 of the Office Action is admitted prior art. Contrary to the Examiner's assertion, page 2 of the specification of the present invention simply describes displaying advertisement information on a web page. Page 3 of the specification of the present invention describes a buddy list system.

Applicants have cancelled claim 13. Therefore, the rejection of claim 13 on page 5 of the Office Action is moot. Applicants have amended claim 14 to address the Examiner's concern. Therefore, withdrawal of the rejection is respectfully requested.

On page 6 of the Office Action, the Examiner provided an interpretation of claim 3. Applicants respectfully submit that currently amended independent claim 3 is clear, as recited. For example, when the advertising receiving means has received unregistered advertising information and a designation for the already registered resource identification information, from the computers, the determination means determines whether the owner of the unregistered advertising information is identical to the owner of the already registered resource.

Similarly, currently amended claim 4 is clear, as recited. For example, the advertising receiving means further receives the detailed identification information along with a designation for the advertising information that is already registered or along with the unregistered advertising information.

On page 8 of the Office Action, the Examiner rejected claims 1-4, 9, 10, and 12-15 under 35 U.S.C. § 103(a) as being unpatentable over an article entitled, "LiQ, Inc. Makes Gift-Giving Easier with Online Paging; Shop and Chat Technology Lets Consumers Make Decisions Together," Business Editors, Business Wire, Dec. 21, 1999 (hereinafter LiQ) in view of DIALOG(R)File 640, record # 10719046, "BIG BUDDY IS WATCHING YOU," San Francisco Chronicle (SF) – SUNDAY, August 6, 2000, Cheryll Barron (hereinafter Barron).

On page 6 of the Office Action, the Examiner alleges that even if LiQ only teaches that product or ad information are shown in later pages as argued, nothing in Applicants claims

exclude the product or ad information from coming from later pages. See Office Action, item 9, at page 6.

Applicants respectfully submit that neither LiQ nor Barron teaches or suggests, "displaying status of the first user on the second computer, said status represented by advertising image data included in said first advertising information broadcast, said displaying occurring in response to browsing by said first computer," as recited by independent claim 1, for example.

As indicated by claim 1, for example, in the present invention, the displaying occurs *in response to* browsing by the first computer. In contrast, LiQ specifically states that the product information is shown in later webpages. Therefore, no advertisement information is displayed in response to browsing by a first computer. Rather, LiQ simply displays product information in response to a user clicking an electronic button after the users enter the chat room. Displaying product information in response to a user clicking an electronic button is not tantamount to or related to displaying status of a first user on a second computer, wherein the status is represented by advertising image data.

On page 7 of the Office Action, the Examiner alleged that, "Applicant's representative contradicts himself when on page 10, he admits that LiQ discloses 'a few clicks later .. they can view a wide variety of products.'" See Office Action, page 7 [sic].

Applicants respectfully submit that LiQ specifically states that, "[s]hopping buddies already logged on at "LiQ.com" are 'paged' privately. . . . A few clicks *later*, everyone is shopping together on LiQ.com, where they can view a wide variety of products, share information, and reach decisions together." See LiQ, page 2, third paragraph [emphasis added].

Therefore, the "shopping" does not occur until *after* the users are paged. Hence, the page itself, which occurs before any "shopping" does not include advertisement information and does not include any viewing of products or sharing of information, as such information does not occur until "a few clicks later," that is, after the page. Rather, the page is merely an indication that the users should enter a chatroom. LiQ clearly states that paging is just a manner by which consumers are allowed to bring others into a private "Shop & Chat" session. See LiQ, page 2, third paragraph.

In light of the foregoing, Applicants respectfully submit that paging users does not provide them with product information. Rather, paging simply invites the users to enter a chat room. After entering the chat room, the users can view product information. Therefore, Applicants

have not provided any contradictory statements in arguments.

As Barron merely allows one "buddy" to provide comments to another "buddy," Barron does not teach or suggest the above-identified feature of the present invention.

On page 7 of the Office Action, the Examiner alleged that, "Applicants agree that the status of the first user, can be implicitly relayed, via an ad icon entitled "virtual shopping Mall A." See Office Action, page 7, last full paragraph [sic].

Applicants respectfully submit that Applicants do not agree. Applicants respectfully submit that the status of the user is represented by the advertisement image data, namely, the icon. The claims do not reference implicitly displaying a user status. Moreover, LiQ's page is simply a notification message to invite a user to join a chatroom, nothing more.

The Examiner appears to rely on Official Notice. The Applicant respectfully traverses the Examiner's statements relating to Official Notice and demands that the Examiner produce authority for the statements. The Applicant specifically points out the following errors in the Office Action.

First, the Examiner uses common knowledge as the principal evidence for the rejection. As explained in M.P.E.P. § 2144.03(E):

any facts so noticed should . . . serve only to 'fill in the gaps' in an insubstantial manner which might exist in the evidentiary showing made by the Examiner to support a particular ground of rejection. It is never appropriate to rely solely on common knowledge in the art without evidentiary support in the record as the principal evidence upon which a rejection was based.

Second, the noticed facts are not considered to be common knowledge or well-known in the art. In this case, the feature is not of notorious character or capable of instant and unquestionable demonstration as being well-known. Instead, the feature is unique to the present invention. See M.P.E.P. § 2144.03(A) ("the notice of facts beyond the record which may be taken by the Examiner must be "capable of such instant and unquestionable demonstration as to defy dispute").

Third, there is no evidence supporting the Examiner's assertion. See M.P.E.P. § 2144.03(B) ("there must be some form of evidence in the record to support an assertion of common knowledge").

Fourth, if the Examiner is basing the rejection on personal knowledge, the Examiner is required under 37 C.F.R. § 1.104(d)(2) to support such an assertion with an affidavit when called for by the Applicant. Thus, Applicant calls upon the Examiner to support such assertion with an

affidavit.

In light of the foregoing, Applicants respectfully submit that the independent claims of the present invention are patentable over the references. As the dependent claims depend from respective independent claims, the dependent claims are patentable over the references for at least the reasons presented for the independent claims.

On page 12 of the Office Action, claims 5-8 and 11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over LiQ and Barron in view of U.S. Patent No. 5,794,210 (Goldhaber).

As Goldhaber is directed to techniques for electronically delivering priced intellectual property including advertising to anyone browsing pages on the Internet (for example, mass advertising), Goldhaber also does not teach the above-identified feature of the present invention.

In light of the foregoing, claims 5-8 via claim 2 are patentable over the references, as none of the references, taken alone or in combination, teach or suggest the above-identified feature, for example, of the present invention. Claim 11 is patentable over the references for at least the reasons presented above for claim 1.

Further, in LiQ, a first user invites a second user to a chat service attached to a shopping site. A specific shopping site which functions as a chat service only allows users to share information. In contrast, in the present invention, users can share information at any time. In other words, an advertisement of any site is transmitted to a second user as a first user's status. Therefore, in the present invention, an advertisement distributor, a shopping site provider, and a chat service provider all can be independent of each other.

If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of the Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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